THE MINISTER OF RURAL DEVELOPMENT (SHRI SUNDER LAL PATWA) : (a) and (b) The average level of investment determined by the Central Government under IRDP for the financial year, 1998-99 was Rs. 20,000 per family. The factors taken into consideration in fixing the average level of investment per family include past performance of the programme, subsidy-credit ratio, availability of funds and cost escalation.

Criminal lunatics Languishing in jails

*375. SHRI C. M. IBRAHIM : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government's attention was drawn to the observations of the Supreme Court of India, as reported in the Statesman of February 7, 2000 under the caption "Branded a criminal lunatics for 38 years";

(b) whether Government have made or have undertaken any exercise to identify the so called criminal lunatics languishing and near perishing in different jails in the country without trial for over ten years;

(c) if so, the number and details of persons so languishing, and how many of them are women; and

(d) the steps taken to give them justice ?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : (a) Yes Sir. According to information received from the State Government of West Bengal, the prisoner referred to in the news item was of unsound mind and was detained in jail as safe custody in pursuance of Court's orders and was kept under medical treatment. He was transferred to Antaragram Psychiatric Centre on 30-4-96 for medical treatment. On 20-1-2000, he was released from jail and shifted to the Old Age Home of Missionaries of Charity at Kanchrapara, near Calcutta, in pursuance of the orders of the Supreme Court of India.

(b) and (c) 'Prisons' is a State subject as per the Constitution of India. Prison administration is, as such, primarily the responsibility of the State Governments. However, available information on lunatics in jails is enclosed statement. (*See* below)

(d) Both Government and Judiciary are concerned with overcrowding in jails which is primarily due to the presence of a large number of undertrial prisoners.

The Chief Justice of India (CJI), vide his letter dated 19-11-1999, has impressed upon all the Chief Justices of High Courts that every Chief Metropolitan Magistrate or the Chief Judicial Magistrate of the area, in which a District jail falls, may hold his court once or twice in a month, depending upon the workload, in jail to take up the cases of those undertrial prisoners who are involved in petty offences and are keen to confess their guilt. The CJI has further sugested that "Legal Aid Counsel" may be deputed in jails to help such prisoners and move applications on their behalf on the basis of which the Chief Metropolitan Magistrate or the Chief Judicial Magistrate may direct the investigating agency to expedite the filling of the police report.

In pursuance of the orders passed by the Supreme Court of India in the case—R.D. Upadhyay Vs. State of Andhra Pradesh & others on 13-10-1999 and 7-12-1999, the Central Government has also written to all the State Governments and UT Administrations to take urgent necessary steps for expeditious disposal of cases of undertrials who are languishing in various jails in the country.

Most of the State Governments have also appointed Special Judicial/Metropolitan Magistrates for disposal of petty criminal cases.

STATEMENT

The Number of Lunatics in Jails as on 30-06-1999

Sl. No.	Name of the State	Number of Lunatics	
		Male	Female
1	2	3	4
(1)	Andhra Pradesh	20	—
(2)	Arunachal Pradesh	Not available	
(3)	Assam	—	—
(4)	Bihar	08	—
(5)	Goa	Not available	
(6)	Gujarat	Not available	
(7)	Haryana	—	—
(8)	Himachal Pradesh	Not available	

1	2	3	4
(9)	Jammu & Kashmir	Not available	
(10)	Karnataka	Not available	
(11)	Kerala	Not available	
(12)	Madhya Pradesh	56	02
(13)	Maharashtra	—	—
(14)	Manipur	—	—
(15)	Meghalaya	—	—
(16)	Mizoram	—	—
(17)	Nagaland	—	—
(18)	Orissa	02	—
(19)	Punjab	Not available	
(20)	Rajasthan	Not available	
(21)	Sikkim	—	—
(22)	Tamil Nadu	—	—
(23)	Tripura	—	—
(24)	Uttar Pradesh	—	—
(25)	West Bengal	Not available	
(26)	A & N Islands	04	—
(27)	Chandigarh	—	—
(28)	Dadra & Nagar Haveli	—	—
(29)	Daman & Diu	—	—
(30)	Delhi	Not available	
(31)	Lakshadweep	—	—
(32)	Pondicherry	—	—

N. B. (—) represents Nil